United Nations S/2000/1175

Security Council

Distr.: General
11 December 2000
English
Original: Arabic

Letter dated 10 December 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 10 December 2000 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, addressed to you, containing the main observations by Iraq on the content of Security Council resolution 1330 (2000).

I should be grateful if you would have this letter and its annex circulated as a Security Council document.

(*Signed*) Saeed H. **Hasan**
Ambassador
Permanent Representative

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Annex to the letter dated 10 December 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

As you know, the nature of the memorandum of understanding signed by the Government of the Republic of Iraq and the United Nations on 20 May 1996 is exceptional and temporary, as indicated in section I, paragraph 4, of the memorandum, which stipulates that its provisions constitute an exceptional and temporary measure. We note that, at the end of each of the eight phases of implementation, the Security Council has tried to extend the oil-for-food programme by means that indicate to any neutral observer the biased attitude on the part of some members of the Security Council and how far removed they are from the letter and spirit of the memorandum of understanding, which is exceptional and temporary. The latest resolution (1330 (2000)) only confirms this serious deviation, as it clearly shows that those who control the Security Council are driven by specific motives, as if the oil-for-food programme were permanent and constituted an alternative to the lifting of the embargo.

An objective reading of resolution 1330 (2000) clearly shows that some members of the Security Council want to maintain the unjust embargo imposed on Iraq over 10 years ago and, instead of easing the restrictions on Iraq's right to dispose of its financial resources and wealth so as to use them in the interests of its people, are seeking to impose further constraints on Iraq and its people. There is no doubt that the attempts by those parties constitute a flagrant violation of Iraq's recognized rights and of the letter and spirit of the memorandum of understanding signed by Iraq and the United Nations. The manoeuvres by the Americans and the British led to the adoption of resolution 1330 (2000), which is as negative and subjective as its predecessors. You will find below our main observations on its provisions:

1. The preamble to resolution 1330 (2000) confirms that all Member States recognize the sovereignty and territorial integrity of Iraq, as in all the previous resolutions. Despite such recognition, two permanent members of the Council violate the provisions of this text by committing daily attacks on Iraq. In the meantime, the Council turns a deaf ear and refrains from urging or requesting two of its permanent members to halt such daily attacks.

2. Paragraph 3 of the resolution stresses the need to enhance the observation process in Iraq on the pretext of ensuring that the goods are distributed equitably and are utilized for the purpose for which they were authorized. This paragraph was added in response to the unfounded arguments made periodically by the United States and the United Kingdom, which claim that certain goods are not distributed equitably. All your reports confirm that the monitoring and surveillance operations are conducted normally and without hindrance, and the observers have noted in their periodic reports, after hundreds of thousands of visits all over Iraqi territory, that the Iraqi Government is distributing the goods equitably to all sectors of the Iraqi population.

None of those reports indicate, even once, that such supplies and goods were used for other than authorized purposes, but the Americans and the British must again show their bad faith by claiming that distribution was not equitable or that imported goods were used for other purposes. All the members of the humanitarian

and non-governmental organizations who have visited Iraq have stressed the effectiveness and fairness of the distribution system managed by the Iraqi Government.

3. Paragraph 8 envisages the possibility of allowing a sum of US$ 15 million to be drawn from the escrow account to be used for the payment of the arrears in Iraq's contribution to the budget of the United Nations, and points out that that is in the light of the cooperation of Iraq in implementing all the resolutions of the Council. Would this not be an arbitrary condition at a time when Iraq wishes to pay its arrears to the budget of the United Nations, which is in a financial crisis? The United Kingdom and the United States have tried to prevent this by laying down a condition based on nothing else but bad faith and a desire to do harm, as they know that Iraq has met all its obligations under the relevant Security Council resolutions.

4. Paragraph 9 requests the Secretary-General to take steps to use the excess funds (2.2 per cent) for humanitarian purchases. This paragraph deliberately refers to paragraph 24 of resolution 1284 (1999), which has sinister overtones, thus making paragraph 9 meaningless. What is the relationship between the sinister resolution 1284 (1999) and the memorandum of understanding and its provisional extension, given the fact that Iraq has rejected that resolution and refused to implement it?

5. Under paragraph 12, the amounts deducted from the funds deposited in the escrow account to be transferred to the Compensation Fund will be used for strictly humanitarian projects to address the needs of the most vulnerable groups in Iraq, on the understanding that the Secretary-General may transfer the unused funds back to the Compensation Fund. Obviously this paragraph was drafted in such a way as to allow the Americans and the British to claim that they are more concerned about the welfare of the Iraqi people than the Iraqi Government itself. In this connection, we should like to point out to you and to all the Members of the United Nations that the Government of the Republic of Iraq is genuinely concerned about the welfare of the Iraqi people and that it is the sole party able and authorized to decide on the use of such funds, especially as the memorandum of understanding provides that the distribution plan is to be established by the Iraqi Government in coordination with the United Nations, and especially as all the resources of the Compensation Fund belong to the Iraqi people. The Iraqi Government is therefore entitled to use those resources in ways different from how they have been used so far: huge amounts have been set aside to compensate parties claiming to have rights.

6. Under paragraphs 10 and 11, basic electricity and housing supplies will not be submitted for approval of the Committee, except for items subject to the provisions of resolution 1051 (1996). In this connection, the Iraqi Government fears that the United States and the United Kingdom are persisting in their usual attitude. Is it not a fact that the representatives of those countries took the view that blackboards and laboratory skeletons belong to the category of dual usage items?

7. Although the whole world indignantly denounced the successive suspension of contracts by the United States and the United Kingdom, and although their attitude is obviously driven by political motives, we note that resolution 1330 (2000) merely requests the Committee established by resolution 661 (1990) to review applications in an expeditious manner, and not to find a radical solution so as to make up for time lost in considering suspended contracts. The resolution also fails to name the States requesting suspension on spurious pretexts; as everyone knows, they are the United

States and the United Kingdom. The resolution is content with a vague formulation and avoids, under pressure from those two States, any direct reference.

As for the paragraphs which at first sight seem to be partially in response to the positive proposals made by certain States, such as the Russian Federation, France and China, they are in fact filled with conditions, constraints and vague promises, without any specific commitments: paragraph 7, relating to necessary supplies for the oil sector; paragraph 8, relating to the authorization of payments from the escrow account in the amount of $15 million to be used for the payment of Iraq's arrears; and paragraph 15, relating to the cost of installation and maintenance, including training services, equipment and spare parts for the oil industry.

The most negative aspect of resolution 1330 (2000) is perhaps the various references to the sinister resolution 1284 (1999). The attempt to link the oil-for-food programme to that resolution — an attempt which clearly shows the designs of the United States and the United Kingdom — is doomed to failure. In the resolutions it has adopted, the Security Council has failed in its obligations towards Iraq, for all those resolutions lead us to question their legitimacy and even their viability, inasmuch as the Council itself has not respected their provisions. These questions are not raised solely by the Iraqi people and authorities or by certain objective Arab officials; they are being raised increasingly by the entire world.

Under the Security Council resolution, the memorandum of understanding was supposed to last only six months, but the United States and the United Kingdom have worked hand in hand (and are still doing so) to ensure that it will be prolonged indefinitely as an alternative to the lifting of the embargo. That is unlawful and illegitimate, and demonstrates contempt for Iraq's rights and wishes, but those two countries will eventually become aware of the danger of their position and their policies.

We refer you to the spokesman's statement after the joint meeting of the Revolution Command Council and the National Command of the Baath Party, a copy of which is attached. Lest our attitude should be considered negative, and in order to show up those who harbour evil intentions, we should like to point out that Iraq has accepted the extension, for a further six-month period, of the memorandum of understanding signed with the United Nations on 20 May 1996.

(*Signed*) Mohammed Said **Al-Sahaf**
Minister for Foreign Affairs of the Republic of Iraq

Statement issued by the spokesman after the joint meeting of the Revolution Command Council and the National Command of the Baath Party

On 9 December 2000, President Saddam Hussain chaired a joint meeting of the Revolution Command Council and the National Command of the Iraqi Baath Socialist Party.

The meeting considered the question of the extension of the memorandum of understanding for a ninth phase, as well as the latest resolution adopted by the Security Council.

The spokesman issued the following statement:

> "In the resolutions it has adopted, the Security Council has failed in its obligations towards Iraq, for we are led to question the legitimacy and even the viability of those resolutions, inasmuch as the Council itself has not respected their provisions. These questions are not raised solely by the Iraqi people and authorities or by certain objective Arab officials; they are being raised increasingly by the entire world.
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> "Under the Security Council resolution, the memorandum of understanding was supposed to last only six months, but the United States and the United Kingdom have worked hand in hand (and are still doing so) to ensure that it will be prolonged indefinitely as an alternative to the lifting of the embargo. The spokesman added that that is unlawful and illegitimate, and demonstrates contempt for Iraq's rights and wishes; but those two countries will eventually become aware of the danger of their position and their policies."